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C O N F I D E N T I A L CARACAS 000950

SIPDIS

NSC FOR CBARTON  
USCINCSO ALSO FOR POLAD  
STATE PASS USAID DCHA/OTI FOR RPORTER

E.O. 12958: DECL: 03/18/2014

TAGS: [PGOV](#) [PHUM](#) [VE](#)

SUBJECT: WANTED: BARUTA MAYOR, FOR INCITING CROWD AT CUBAN  
EMBASSY IN 2002

REF: A. CARACAS 00651

[1](#)B. 2003 CARACAS 01745

Classified By: Abelardo A. Arias, Political Counselor, for reasons 1.4  
(B) and (D)

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Summary  
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[1](#)1. (C) Baruta Mayor Henrique Capriles Radonsky said March 18 he will not present himself to the court as summoned until after he sees the case file alleging his involvement with a violent protest at the Cuban Embassy April 12, 2002. The court has refused Capriles' lawyers access to the case file and issued an arrest warrant for him March 16. Although Capriles' case predates the most recent opposition protests, he may be the first elected opposition leader to face charges in their aftermath. End Summary.

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Come Out With Your Hands Tied: Mayor Leery of GOV Justice  
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[1](#)2. (U) Prosecutor Danilo Anderson successfully petitioned for an arrest warrant March 16 for Baruta Mayor Henrique Capriles Radonsky. Capriles is accused of alleged criminal acts such as "violating international principles, private violence and abuse of office" during mob protests at the Cuban Embassy April 12, 2002. Anderson argued that Capriles' failure to respond to three summons issued November 28, 2002, January 6, 2003, and March 7, 2003 made him a flight risk. Judge Jose Ramon Flores (40th Control Court) granted the warrant later on March 16 and assigned it to the National Investigative Police (CICPC).

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Good Cop/Bad Cop Prosecutor Plays Keep Away With Case File  
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[1](#)3. (U) Anderson outlined the alleged offenses to reporters March 17. He denied Capriles was a political target and said the Mayor's attorneys should have access to his file to understand the charges. He said the judge would bring representatives of the defense and prosecution together to determine if the charges were serious enough to detail Capriles pending trial. Anderson later warned Capriles to turn himself in, and stated he didn't need to show Capriles' attorneys his file before Capriles presented himself to the court.

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Mayor: Not Without My Case File  
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[1](#)4. (C) Capriles told PolFSN March 17 that his attorney went the courthouse at 8 p.m. March 16 to inquire about the warrant, but the court was closed. Capriles said he was waiting to hear what the charges against him are and that his attorneys were denied access to his file March 17. Capriles attorney Arturo Lopez said March 18 that Capriles would present himself only after his legal team had complete access to his file. "We can't go to court with our eyes closed." Capriles called the case proof of "the political persecution against those who do not share the government's vision" and blasted Anderson as a political lackey of the GOV. Justice First president Julio Borges told reporters March 17 the case is baseless and an attempt by the GOV to divert attention from the presidential recall referendum process.

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Was the Mayor Peacemaker or Instigator?  
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[1](#)5. (C) During the events of April 11-14, when President Chavez briefly lost power, an angry crowd gathered in front the Cuban Embassy in Baruta looking for a pro-GOV leaders suspected of hiding inside. The crowd damaged embassy vehicles and cut electricity and water lines. Mayor Capriles

told PolFSN he entered the Embassy to restore calm and disperse the crowd, but has been portrayed as instigating violence by the GOV-run television channel. Newspapers at

the time reported that Capriles, Chacao Mayor Leopoldo Lopez, and former Chief of the Metropolitan Police Henry Vivas went to the Cuban Embassy to determine if GOV officials were seeking asylum.

16. (U) The Cuban Embassy in Caracas released a statement supporting the investigation and denying Borges' contention that Cuban Ambassador German Sanchez Otero asked Capriles to mediate April 12, 2002, and had praised him for doing so. It also asserted that "terrorist and fascist groups" vandalized the Embassy while Capriles' police watched, under orders not to interfere. Capriles responded to the Cuban note saying the Ambassador lacked "the honesty to say what really happened." Capriles contended he was only guilty of having differences with the GOV.

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Comment  
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17. (C) The GOV has long had Capriles in its sights. In the Capriles case, Anderson is in his mettle as GOV hatchet man (refs). If the case he is pressing against 24 residents of Merida who also have not had access to their files for civil rebellion charges is any indication, a prompt resolution to the Capriles case is not the offing. In the meantime, it serves the GOV to have a new high-profile "fugitive from justice" against whom to rail. The investigations against opposition leaders, regardless of when the alleged misdeeds occurred, also fits into the GOV's strategy of blaming the opposition for violence.

18. (C) That said, we do not have sufficient information at this time to evaluate the GOV and Cuban allegations against Capriles.

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Ambassador's Comment  
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19. (C) Anderson may have done Mayor Capriles a favor by making him a hero. If he were to turn himself in to "Bolivarian justice," Capriles' political future would be assured and the opposition would have a cause celebre. That said, Venezuelan jails are miserable and one would be crazy not to hesitate before turning oneself in.  
SHAPIRO

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